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IN THE UNITED STATES DISTRICT COURT

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FOR THE NORTHERN DISTRICT OF CALIFORNIA

10
11 SHIRLEY V. REMMERT,

No. C 07-00825 CRB

12 Petitioner,

**ORDER DISMISSING HABEAS
PETITION**

13 v.

14 PROBATE COURT JUDGE ROSEMARY
15 PFEIFFER,

16 Respondent. /

17 Petitioner Shirley V. Remmert brings this habeas corpus petition to challenge the
18 appointment of a conservator for her daughter Eva D. Al-Zaghari, as well as the issuance of a
19 an order preventing Ms. Remmert from visiting her daughter and her grandson.

20 Ms. Remmert's petition must be dismissed for failure to state a claim. To bring a
21 petition for habeas corpus, a petitioner must be "in custody." 28 U.S.C. § 2254; see also
22 Maleng v. Cook, 490 U.S. 488, 490-91(1989) (holding that a habeas petitioner must be in
23 custody "under the conviction or sentence under attack at the time his petition is filed."). Ms.
24 Remmert does not and cannot allege that she is in custody. Accordingly, this action is
25 DISMISSED. Ms. Remmert is directed to not file any further habeas petitions unless and

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1 until she is in custody *and* has exhausted all of her state remedies.

IT IS SO ORDERED.

4 | Dated: March 23, 2007

CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE

United States District Court

For the Northern District of California